

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
SAFENET, INC.,	:	08-CV-6732 (LAK)
	:	
Plaintiff,	:	
	:	ECF Case
-against-	:	
	:	
L-3 COMMUNICATIONS CORP.,	:	
	:	
Defendant.	:	
-----	X	

PROPOSED *VOIR DIRE* QUESTIONS OF
DEFENDANT L-3 COMMUNICATIONS CORP.

MORGAN, LEWIS & BOCKIUS LLP
Timothy D. Katsiff*
1701 Market Street
Philadelphia, PA 19103
Tel.: (215) 963-4857
*Of Counsel

and

BLANK ROME LLP
Kenneth L. Bressler (KB-3389)
Jeremy L. Reiss (JR-2731)
Blank Rome LLP
The Chrysler Building
405 Lexington Avenue
New York, NY 10174
Tel.: (212) 885-5000

Attorneys for Defendant,
L-3 Communications Corp.

Defendant L-3 Communications Corp., by and through its undersigned counsel, respectfully submits the following proposed *voir dire* questions.

A. KNOWLEDGE OR FAMILIARITY OF COURT PERSONNEL, ATTORNEYS, AND PARTIES

1. Do you know or have any familiarity with any of the following law firms or attorneys involved in this case:

- a. Morgan, Lewis & Bockius LLP
- b. Blank Rome LLP
- c. Venable LLP
- d. Timothy D. Katsiff of Morgan, Lewis & Bockius LLP in Philadelphia, Pennsylvania.
- e. Kenneth L. Bressler of Blank Rome LLP in New York, New York.
- f. Jeremy L. Reiss of Blank Rome LLP in New York, New York.
- g. Scott E. Coburn of Blank Rome LLP in Philadelphia, Pennsylvania.
- h. Gregory W. Gilliam of Venable LLP in New York, New York.
- i. John A. McCauley of Venable LLP in Baltimore, Maryland.
- j. Dino S. Sangiamo of Venable LLP in Baltimore, Maryland.
- k. Sally R. Bryan of Venable LLP in Baltimore, Maryland.

2. Have you ever worked for or have any familiarity with SafeNet, Inc., Cylink Corporation, Mykotronx, Inc., or L-3 Communications Corporation?

3. Do you know anyone who has ever worked for SafeNet, Inc., Cylink Corporation, Mykotronx, Inc., or L-3 Communications Corporation?

4. Do you have any previous knowledge, other than what you have learned today, about the dispute in this case?

5. Do you know or have any knowledge about the following people who may offer testimony during this trial:

- a. Greg Roberts
- b. Mark Simon
- c. Robert Coia
- d. Robert Martin
- e. John Tierney
- f. Robert Redmond
- g. Glenn Adair
- h. Robert Nichols
- i. Michael Kleidermacher
- j. Joseph Dahlgren
- k. Ken Bodzioch
- l. John Clinton
- m. Ori Radolovic
- n. Mike Kiernan
- o. Don Emerson
- p. Joseph Dahlgren
- q. James Howard
- r. Chris Fedde
- s. Kevin Hicks

- t. Ken Chow
- u. John Frederick
- v. Anthony Caputo
- w. William Crowell
- x. Adam Bell
- y. Carole Argo
- z. Jana Gold
- aa. James Summers
- bb. John Droge
- cc. David Garvis
- dd. Chris Nicholson
- ee. Robert Fougner
- ff. Prakesh Panjwani
- gg. Ian Dix
- hh. Neil H. Demchick
- ii. Mark Berenblut

B. KNOWLEDGE OR FAMILIARITY WITH LEGAL PROCEEDINGS

- 6. Have you ever served on a jury? If yes, then please answer the following:
 - a. What type of case?
 - b. How long ago?
 - c. Where was the trial?
 - d. How long did the trial last?
 - e. Did the jury reach a verdict?

- f. What was the verdict?
- g. Were you satisfied with your experience?
- h. Is there anything about that experience that would keep you from impartially considering this case?

7. Have you ever given testimony in connection with a lawsuit before? If yes, then please answer the following:

- a. What type of case?
- b. How long ago?
- c. Did you testify at a deposition or at trial?
- d. Is there anything about that experience that would keep you from impartially considering this case?

8. Have you or anyone you know ever been a party to a lawsuit? If yes, then please answer the following:

- a. What type of case?
- b. How long ago?
- c. What court?
- d. How was the matter resolved?
- e. Were you satisfied?
- f. Is there anything about that experience that would keep you from impartially considering this case?

C. KNOWLEDGE OR FAMILIARITY ABOUT THE RELEVANT INDUSTRY/BUSINESS

9. Have you or someone you know ever served in the United States military?

10. Have you or someone you know ever worked for the federal government? If so, were they involved in any way with departments or agencies that are responsible for or have any involvement with national defense or homeland security issues?

11. Are you familiar with or know anything about defense contractors or the U.S. national defense industry? If yes, what is the source of your knowledge?

12. Have you or someone you know ever worked in the defense industry or for a defense contractor?

13. Have you or someone you know ever worked for a company that designs, develops, manufactures, markets, or sells high-tech devices?

14. Do you have any familiarity with devices that encrypt communications?

15. Have you or someone you know ever worked for a company that develops, markets or sells encryption devices to the government and/or the private sector?

16. Do you or someone you know have any experience in the computer and technology industry?

17. Do you or someone you know have any experience in the development of intellectual property?

18. Do you or someone you know have any experience with or know anything about computer programming?

19. Are you familiar with or know anything about trademarks and copyrights?

20. Do you or someone you know have any experience in marketing and/or selling products?

D. PERSONAL BACKGROUND

21. What is your educational history? Do you hold any degrees? Do you hold any professional licenses or certificates?

22. Where are you currently employed?

a. Approximately how many people work for your employer?

b. If your employer has more than one physical location, approximately how many people work at the location where you work?

c. How long have you worked there?

d. What are your job duties?

e. Do you hold a management position there?

f. Have you ever had experience drafting or negotiating contracts or had authority to draft or negotiate contracts?

g. What position does your immediate supervisor hold?

23. Have you or someone you know ever been involved in a contract dispute?

24. Have you or someone you know ever licensed something to/from another person or entity under a contract?

25. Have you or someone you know ever had a dispute relating to intellectual property?

26. Have you or someone you know ever had any legal training?

27. Do you belong to any civic organizations or community groups? If so, which ones?

28. What do you do for fun? Do you have any hobbies?

E. GENERAL QUESTIONS

29. Do you believe that parties should honor contracts?

30. Do you believe that if a contract specifically spells out what a party is supposed to do, that is what the parties agreed is supposed to be done?

31. All other things being equal, would you tend to side with a larger company or a smaller company in a dispute? Why?

32. Some people make up their minds quickly, while others have to hear everything about an issue before they decide. What type of person are you?

33. Would you describe yourself as a person who easily changes your mind or are you the type of person who rarely changes your mind once it is made up?

34. Would you be influenced by the religion, race, color, sex, or ethnic background of a witness in considering the believability of his or her testimony?

35. Do you understand that anyone can bring a lawsuit and that just because SafeNet has brought a lawsuit against L-3 that does not mean that L-3 did something wrong or unlawful?

36. Will you be able to follow the legal instructions that I give you regardless of your personal feelings as to what you think the law should be?

37. If at the end of the trial you feel that SafeNet did not prove its case, is there anything that would prevent you from awarding no relief to SafeNet?

38. When you and your fellow jurors are deciding this case, if one of your fellow jurors takes a view or opinion that indicates that he or she is prejudiced against one of the parties, is considering something that I have told you not to consider, or is

unwilling to follow the law as it is given to you by me, will you be able to carry out your oath as a juror by speaking out and saying that these matters should not be considered?

42. Do you hold any beliefs or opinions, or know of anything else that would affect your ability to be a fair and impartial juror in this case?

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP
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and

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Kenneth L. Bressler (KB-3389)
Jeremy L. Reiss (JR-2731)
The Chrysler Building
405 Lexington Avenue
New York, NY 10174
(212) 885-5000

Attorneys for Defendant,
L-3 Communications Corp.

Dated: April 20, 2009